

**REQUEST FOR RECONSIDERATION**

Applicants appreciate the consideration of the present application afforded by the Examiner. Claims 47-58 remain pending. Claims 47, 50, 53, and 56 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

***Allowable Subject Matter***

Applicants appreciate that claims 51 and 57 are indicated to define allowable subject matter.

***Claim Rejections - 35 U.S.C. §103(a)***

Claims 47-50, 52-56, and 58 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,765,568 to Swift et al. (“Swift”) in view of U.S. Patent No. 6,496,598 to Harman (“Harman”). Applicants submit the Examiner has failed to establish a *prima facie* case of obviousness and traverse the rejection.

For a 35 U.S.C. § 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

Independent claim 47 recites, *inter alia*, the features of:

“three-dimensional image display control information generation means for generating, based on the received parameter, three-dimensional image display control information necessary for conversion for enabling stereoscopic vision of said three-dimensional image data in a desired format adapted to a display unit when externally received image data includes said three-dimensional image data;

file generation means for generating a multimedia information file capable of including both of externally received said three-dimensional image data and said three-

dimensional image display control information, or externally received at least two-dimensional image data, and

*said three-dimensional image display control information including first information indicating border image data to be displayed around an image of said three-dimensional image data.”*

The Examiner is relying upon Swift to disclose a stereoscopic 3-D media format including information regarding a display format in which to display the three-dimensional image data included in the media file. *See, e.g., Swift, Figure 1, 10; column 3, lines 23-65.*

The Examiner concedes that Swift fails to disclose three-dimensional image display control information including first information indicating border image data to be displayed around an image of said three-dimensional image data. *See Office Action, page 4, second paragraph.* The Examiner relies on the Harman reference to allegedly cure this conceded deficiency of Swift.

Harman is directed towards an image conversion system that converts 2-D video input into 3-D media display by performing an image analysis and a 3-D generation and optimization method. *See generally, Harman, Figures 1 and 2.*

Harman teaches providing a reference or fixation point for a viewer at a particular depth within a 3-D image by adding a simple border or reference graphic to the 3-D image during the 3-D generation method. The border or reference graphic is provided at a particular depth by creating left and right border images that are laterally shifted from each other, such that a reference of fixation point may be placed somewhere behind or in front of the latent depth of the screen from the viewer. *See column 13, line 58 - column 14, line 46.*

However, although Harman appears to teach presenting a common border during display of stereoscopic images, Harman does not or suggest including “*first information indicating border image data to be displayed*” as part of the three-dimensional image display control information. Harman expressly recites “[a] image border or reference graphic may be inserted at

the 3D Generation point or it may be defined externally and genlocked onto the stereoscopic image output for display.” *See column 14, line 38 – 40.* Harman expressly discloses that the 3D Generation process is an intermediate step within a process used to create the stereoscopic image pairs that are ultimately viewed by the user. *See col. 11, line 12 – col. 16, line 11; Figures 1-2.*

Thus in the case when the border is inserted during 3D Generation (*see Module 3 of Figure 1*), the border or reference graphic then becomes part of the 3-D image itself which is ultimately displayed on the imaging device. This image data is not the same as including information regarding border image data as part of 3D display control information. Nowhere does Harman teach or suggest that information regarding the border image data is included in 3D display control information necessary for conversion for enabling stereoscopic vision of said three-dimensional image data in a desired format adapted to a display unit.

On the other hand, genlocking an externally defined border image to display of a stereoscopic image also is not the same as including border image data information in the 3D control information to be stored in the multimedia information file. “Genlocking” refers to the technique by which the video output of one source, or a specific reference signal, is used to synchronize other video sources to each other to ensure that the video sources are coincidental when they are mixed to be output. In other words, genlocking is used to synchronize the video components of a composite output during mixing of the components. In the context of Harman, genlocking the border graphic with the 3D images during display output would synchronize, during output, a video source comprising a border graphic with a source comprising the 3D image data to be displayed. This process still does not teach or suggest including image data information in the 3D control information to be stored in the multimedia information file.

In consideration of the combined teachings of Swift and Harman, one of ordinary skill in the art would, at best, be motivated to add a border to 3D image data during 3D image generation. However, one of ordinary skill would not be motivated, nor does Harman provide any rationale or teaching, to add to the media file disclosed by Swift any particular display control information referring to information regarding the border image information.

In this instance, the combination of Swift and Harmon fails to teach or suggest each and every limitation of claim 47. Independent claims 50, 53 and 56 are likewise distinguishable from the combination of Swift and Harmon at least for rationales comparable with respect to that presented with respect to claim 47 above. Dependent claims 48, 49, 52, 54, 55 and 58 are also distinguishable from the prior art at least due to their dependence from claims 47, 50, 53 and 56, directly or indirectly.

Therefore, Applicants submit that claims 47-50, 52-56 and 58 are patentable over the prior art and respectfully request that the rejection of these claims under §103(a) be withdrawn.

### CONCLUSION

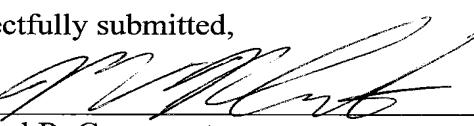
All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice of same is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John R. Sanders (Reg. No. 60,166) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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